

The Department of Corrections, Department of Social Services, Office of the Attorney General,  
and Unified Judicial System's SB70 Implementation Status

Department of Corrections  
Senate Bill 70: An Act to Improve Public Safety  
Implementation Status  
November, 2013

Effective Date (Legislative)	Anticipated Operational Date	Policy Area	Status as of 11/5/2013
July 1, 2013	July 1, 2013 for award in August, 2013.	<b>Earned Discharge Credits (EDC)</b>	<p>Final review of the design for the EDC enhancement in the offender data system is completed. The vendor has started work on enhancements. The third award of EDC occurred 10/15/13 for the month of 9/13. Seventy-three percent of the parolees received EDC on at least one transaction in the month of September. For July through September (cumulative) there was an unduplicated count of 3,012 parolees. Of these, 2,291 were awarded credits (76.1%) on at least one transaction for at least one of the months. 66,546 days of EDC were awarded for September. 208,767 days of credits have been awarded on 6,930 transactions (duplicated) for July, August and September combined. Performance measures were refined to track by parolee (in addition to by transaction) the reasons each month eligible parolees were not awarded credits. This is broken down on a monthly basis:</p> <p><b>July:</b> 2,320 qualified; 347(15%) didn't earn. Of the 347 who didn't earn: 145 (41.8%) were absconders; 40 (11.5%) were on extended detainment and 162 (46.7%) had a violation response.</p> <p><b>August:</b> 2,339 qualified; 345 (14.7%) didn't earn. 140 (40.6%) were absconders; 46 (13.3%) were on extended detainment and 159 (46.1%) had a violation response.</p> <p><b>September:</b> 2,262 qualified; 311 (13.7%) didn't earn. Of the 311 who didn't earn: 140 (45%) were absconders; 39 (12.5%) were on extended detainment and 132 (42.4%) had a violation response.</p>
July 1, 2013	February 1, 2014	<b>Tribal Pilot</b>	(As of Nov. 12) On November 6 <sup>th</sup> , parole staff, legal counsel and Secretary LaPlante met with members of the Sisseton Whapeton Tribal Council, with multiple issues and topics discussed. The meeting was very productive, resulting in a road map to complete the MOA.

July 1, 2013	July 1, 2013	<b>Performance Measures</b>	<p>The Performance Measures Workgroup met on October 30 to review the Performance Measures that had been shared with the Oversight Council in September. The objective was to review the measures with an eye towards the December Oversight Council meeting to determine if there were baseline measures that could be reported on if the agenda allowed for sharing this information. The items identified involving data that could be extracted and prepared include the following:</p> <ul style="list-style-type: none"> <li>• Number of parolees by supervision level</li> <li>• Number and percent of parolees whose contacts were consistent with supervision level</li> <li>• Recidivism rates for parolees at the 1-year, 2-year, and 3-year marks</li> <li>• Number and percent of parolees who have reduced their supervision level at discharge</li> <li>• Number and percent of parolees by month with a policy driven response not including revocation proceedings</li> <li>• Number and percent of parolees by month with a parole revocation</li> <li>• Number and percent of parolees eligible and awarded earned discharge credits and the average amount of credits a parolee earns</li> <li>• New commitments and average sentence for crimes impacted by Senate Bill 70</li> <li>• Discharges, average sentences, and average time served for crimes impacted by Senate Bill 70</li> </ul> <p>The proposed measures will be aligned with the criminal justice initiative policy areas.</p> <p>Additionally, narrative progress summaries will be prepared for the Tribal Pilot Project, Evidence-based Practices in Parole, Parole Agent and Parole Board training, and the Reinvestment Fund project.</p>
July 1, 2013	October, 2014	<b>Validate Risk and Needs Assessment</b>  <b>(LSI-R, Community Risk Assessment (CRA) and Community Risk Reassessment (CRR))</b>	<p>Following an RFP process, a vendor, Bechtel Consulting, has been selected and contract signed for validation services.</p> <p>Members of the workgroup held a conference call with Kristin Bechtel on 10/17/13 and discussed the following material:</p> <ul style="list-style-type: none"> <li>• Use of the LSI-R at intake to prison and the CRA/CRR in the community</li> </ul>

			<ul style="list-style-type: none"> <li>• Identification of the data available based on the proposal description and how the data are measured. The following data will be used: <ul style="list-style-type: none"> <li>○ Demographics, Offense information, Criminal History, Assessments, Institutional Information, and Parolee Information.</li> </ul> </li> <li>• DOC noted this data would all be available and discussed format the data will be sent in and how the data will be transferred.</li> <li>• Next steps <ul style="list-style-type: none"> <li>○ Confirm that the sample requested in the proposal is available</li> <li>○ Confirm measures of recidivism, how they are measured, and how to track the information correctly to the same parolee</li> <li>○ Discuss the data extract process for both the LSI-R and the CRA/CRR --will there be multiple datasets that would require merging?</li> </ul> </li> </ul> <p>Following the meeting, data was provided to Kristen.</p> <p>The workgroup met again on 10/30 as a follow up and answered some of the questions regarding data extraction and the quality/quantity of the data that was provided.</p>
JULY 1, 2013	February 1, 2014	<b>CTP Alternative Housing Pilot</b>	<p>The workgroup met on October 25. The following items were discussed:</p> <p>1. Program Outline:</p> <ul style="list-style-type: none"> <li>• The program outline was developed into a draft policy. The policy was reviewed by the group and suggested revisions were given. The policy was reworked and will be given to transitional staff and senior agents/supervisors for their review and input.</li> </ul>

			<ul style="list-style-type: none"> <li>CTP Alternative Housing Program Guidelines and Self Commit forms will need to be developed and be added as attachments to the policy.</li> <li>It was suggested that offenders releasing from the institution into the alternative housing program have a period of “orientation” in CTP, possibly 3 days? Also they will need an ID prior to release. These items will be added to the policy.</li> <li>The possibility of assigning one agent for offenders in this program was discussed – this will be looked at further.</li> <li>The possibility of “phases” of the program was discussed, in order to give offenders incentive and move them along in the program – this will be looked at further.</li> </ul> <p>2. Placement Options:</p> <ul style="list-style-type: none"> <li>It was noted that \$650-800/month is reasonable for the places we will be looking at in Sioux Falls.</li> <li>Several placements in the Sioux Falls area were discussed as possible vendors. The group considered the price of rent, the proximity to transportation (bus) and employment, the area of town (known for high criminal activity), the layout of the property, and the management.</li> <li>The group considered hotel placements and other options.</li> <li>The group will come up with possible alternatives.</li> </ul>
July 1, 2013	January 1, 2014	<b>EBP for Parole Supervision</b>	A meeting was conducted on November 1. EPICS and EBP Training were topics - these are covered in the “EBP Training for Parole Agents” and the “Train the Trainer in EPICS for parole agents” policy areas.
July 1, 2013	January 1, 2014	<b>EBP Training for Parole Agents</b>	<p>A meeting was conducted on November 1. The following items were discussed:</p> <ul style="list-style-type: none"> <li>The EPICS/MI agents are looking for a date to train the new agents with a 6 hour introduction course to MI, EPICS, EBP and cognitive restructuring skills (full training would be delivered next spring).</li> <li>Annual parole training - will plan for it sometime in spring</li> </ul>

			<ul style="list-style-type: none"> <li>New hire EBP training could be developed in such a way that other staff or agencies could even join in on the sessions. These sessions could also be put online or the M Drive so anyone can access them at their convenience.</li> <li>Community partners (Carroll Institute, Glory House, VOA, City/County) have recently approached us asking for training sessions primarily on the LSI-R, so we've started providing this to those who ask.</li> <li>The Vera Institute may provide technical assistance to SD for the implementation of SB70, to include for the DOC preparing an EBP training strategy and possibly a system assessment of EBP.</li> </ul>
July 1, 2013	January 1, 2014	<b>EBP Training for Parole Board</b>	<ul style="list-style-type: none"> <li>The group did not meet this month, but worked on new hire and annual training curriculum development.</li> <li>The Board reviewed the EBP Board training policy during October Board week. After a few suggested changes, they approved and signed off on the policy 10/10/13.</li> <li>The Board received training on <i>Psychopathy – The assessment process and evidence based responses</i> on 10/9/13</li> <li>Board member training is being tracked in the Access training database; all members already have between 5-7 hours of training (June-October).</li> <li>The workgroup is looking into a 6 session E-learning course on EBP provided by the NIC that could be used for new hire Board and staff training.</li> <li>Future scheduled training sessions are:</li> <li>November – CD/Mental Health – Institutional programs, risk/need assessments, community resources, evidence-based responsiveness</li> <li>December – Special Security/Gangs – Identification/Evidence based response</li> </ul>

June 1, 2014	October 1, 2014	<b>Reinvestment Fund</b>	<p>The Reinvestment Fund Workgroup met in the month of October and reviewed the average annual percent increase trend line projection. To test the model, based on FY08 to FY12 data, a trend line projected estimate for FY13 end of year probation numbers by county was produced and was compared to actual FY13 numbers. Compared to other, more complicated projection methods, the average change per year method produce the most moderate results. If payments were made for FY13 probation numbers based on the average annual change approach, payments totaling approximately \$470,000 would have been made. Next steps include projecting tentative FY14 probation numbers based on FY09 to FY13 data, sharing the data with the Unified Judicial System, discussing with them the completeness of the data, and ensuring the data complies with Senate Bill 70 requirements.</p>
July 1, 2013	Summer, 2014	<b>Train the Trainer in EPICS for parole agents</b>	<p>A meeting was conducted on November 1.</p> <p>Three EPICS vendors' proposals were received and reviewed:</p> <ul style="list-style-type: none"> <li>• University of Cincinnati – Will train through their standard process of training smaller group of trainers and then providing end user training to everyone. They train groups of 10, can streamline the training at an additional cost, and could start as early as February 2014. It would take an estimated 10 months to complete.</li> <li>- CJI – Can streamline the training process for us and could start in December.</li> <li>- Core Correctional Solutions (Melanie Lowenkamp) –Proposed assessing our trainers' skills/proficiencies, working with each trainer individually, discussing and reviewing training materials and methods and then making a recommendation on how to further improve skills and certify each trainer.</li> </ul> <p>There is an expectation that DOC and UJS will train jointly (there is \$36,000 to share) and that our trainers will go through the formal T4T training in EPICS. Need to continue current momentum with EBP and EPICS in Parole Services.</p> <p>-</p>

Department of Social Services Impact of Senate Bill 70: South Dakota Public Safety  
Improvement Act (Criminal Justice Initiative)

Effective Date (Legislative)	Anticipated Operational Date	Policy Area	Status as of <u>11/1/13</u>
July 1, 2013	Completed	Rural Pilot Programs	Determine required programming to ensure use of evidence-based/evidence-informed services
July 1, 2013	Completed	Rural Pilot Programs	Determine geographic areas with greatest need according to UJS data
July 1, 2013	Completed	Rural Pilot Programs	Develop and release RFP
July 1, 2013	Completed	Rural Pilot Programs	Work with UJS and DOC to develop the referral process for substance abuse and criminal thinking services
July 1, 2013	December 2013	Rural Pilot Programs	Unable to select providers based on RFP responses. A provider workgroup will be convened to discuss expectations of the rural pilot, and the RFP will be reissued.
July 1, 2013	Completed	Expanded Substance Abuse Services (additional 500 probationers/parolees)	Determine required programming to ensure use of evidence-based/evidence-informed services
July 1, 2013	Completed	Expanded Substance Abuse Services (additional 500 probationers/parolees)	Determine geographic areas with greatest need according to UJS data
July 1, 2013	Completed	Expanded Substance Abuse Services (additional 500 probationers/parolees)	Develop and release RFP
July 1, 2013	Completed	Expanded Substance Abuse Services (additional 500 probationers/parolees)	Work with UJS and DOC to develop the referral process for substance abuse and criminal thinking services
July 1, 2013	Completed	Expanded Substance Abuse Services (additional 500 probationers/parolees)	Providers selected based on RFP responses: Circuit Court District #1 <ul style="list-style-type: none"> <li>• Lewis &amp; Clark Behavioral Health</li> <li>• Dakota Counseling Inst.</li> </ul> Circuit Court District #2 <ul style="list-style-type: none"> <li>• Glory House</li> <li>• Volunteers of America</li> <li>• Keystone Treatment Center</li> <li>• Carroll Inst.</li> </ul> Circuit Court District #3 <ul style="list-style-type: none"> <li>• Community Counseling Services</li> <li>• Human Service Agency</li> </ul> Circuit Court District #4 <ul style="list-style-type: none"> <li>• Compass Point</li> </ul> Circuit Court District #5

			<ul style="list-style-type: none"> <li>• Avera St. Lukes Circuit Court District #6</li> <li>• Capital Area Counseling Circuit Court District #7</li> <li>• City/County Alcohol &amp; Drug</li> <li>• Addiction Recovery Center</li> </ul>
	October/November 2013	Expanded Substance Abuse Services (additional 500 probationers/parolees)	Train providers in EBP curriculum
July 1, 2013	Completed	Criminal Thinking Programs	Determine required programming to ensure use of evidence-based/evidence-informed services
July 1, 2013	Completed	Criminal Thinking Programs	Determine geographic areas with greatest need according to UJS data
July 1, 2013	Completed	Criminal Thinking Programs	Develop and release RFP
July 1, 2013	Completed	Criminal Thinking Programs	Work with UJS and DOC to develop the referral process for substance abuse and criminal thinking services
July 1, 2013	Completed	Criminal Thinking Programs	Providers selected based on RFP responses: <ul style="list-style-type: none"> <li>• Circuit Court District #1               <ul style="list-style-type: none"> <li>• Lutheran Social Services</li> </ul> </li> <li>• Circuit Court District #2               <ul style="list-style-type: none"> <li>• Volunteers of America</li> </ul> </li> <li>• Circuit Court District #3               <ul style="list-style-type: none"> <li>• Lutheran Social Services</li> </ul> </li> <li>• Circuit Court District #4               <ul style="list-style-type: none"> <li>• City/County Alcohol &amp; Drug</li> </ul> </li> <li>• Circuit Court District #5               <ul style="list-style-type: none"> <li>• Volunteers of America</li> </ul> </li> <li>• Circuit Court District #6               <ul style="list-style-type: none"> <li>• Volunteers of America</li> </ul> </li> <li>• Circuit Court District #7               <ul style="list-style-type: none"> <li>• City/County Alcohol &amp; Drug</li> </ul> </li> </ul>
	October/November 2013	Criminal Thinking Programs	Train providers in EBP curriculum
July 1, 2013	Completed	Hire Program Specialist Staff	Program specialist staff began their employment on September 9, 2013



## Unified Judicial System Impact of SB70: South Dakota Public Safety Improvement Act (Criminal Justice Initiative)

Effective Date (Legislative)	Anticipated Operational Date	Policy Area	Status as of 10/18/13
October 1, 2013	Ongoing; funding for FY13 and FY14 appropriated	<b>Judicial and CSO Training</b> on evidence-based practices, Core Correctional Practices	Judges Training; CSO Training; State Bar Informational Sessions  <i>NDCI Training September 2013; Fall Judicial Conference October 3-4, 2013; collaboration with DOC to be established</i>
July 1, 2013	July 1, 2013; Chief Justice has 4 appointments; Judge Davis; Judge Riepel; Bruce Hubbard and Greg Sattizahn	<b>Oversight Council</b> Appointed	First meeting held on September 5, 2013. Next meeting tentatively in early December 2013.
July 1, 2013	July 1, 2013	<b>Criminal law revisions</b>	Training and Summary Information provided to Judges and UJS Personnel on statutory changes.
July 1, 2013	<i>Pending action by SCT at November 2013 Rules Hearing</i>	<b>Earned Discharge;</b> probationers with at least 6 months of probation to earn credit for compliance, non-revocable.	Proposed Rule drafted; Discussion and revisions as part of Sanctions Grid Development; Working to create stand-alone web based system to accommodate tracking until Odyssey system development; Performance measure and data points identified. <i>Proposed Rule Submitted to Supreme Court.</i>
July 1, 2013	July 1, 2013	<b>Presumptive Probation</b> for Class 5 and Class 6 felony cases, with certain exceptions. Written finding on record to overcome presumption.	Modified presentence investigation form for Class 5 and 6 felonies adopted; Performance measures and data points identified.
July 1, 2013	July 1, 2013	<b>Veteran's Project</b> for Class 1 or Felony charges, identifying veterans; consideration of resources and treatment recommendations during sentencing.	Workgroup established; Tip Sheet distributed; Coordination Handbook drafted; judges trained at Judges' Association CSOs identified 255 veterans currently on supervision.  Greg Sattizahn presented to Veteran's Family Symposium on the process and update on Veterans Courts.
July 1, 2013	<i>October 2013 pending team training</i>	<b>Drug and DUI Court expansions:</b> 2 <sup>nd</sup> Circuit DUI, Pennington County DUI, Davison County Drug	I.P. Rules adopted by the Supreme Court concerning eligibility criteria and termination from Drug Courts; proposed rule scheduled for November rules hearing concerning key components.  <i>In-State NDCI training held September 2013, for 10 teams.</i>

July 1, 2013	July 1, 2013	<b>Preliminary Hearings</b> for misdemeanors not required	Judicial training; notice to clerks/lay magistrates on changes to their advisement of rights protocol
July 1, 2013	July 1, 2013	<b>Altered state-misprison</b>	Judicial and staff training.
October 1, 2013	<i>Pending action by SCT at November 2013 Rules Hearing</i>	<b>Evidence Based Practices- Probation</b> ; mandates use of validated risk assessment tool targeting probationer's risk factors and focusing resources on moderate or high risk offenders; UJS required to send case history and LSI-R results to DOC when person transferred	Risk assessment validated; Evidence-based trainings; Proposed Rule submitted to the Supreme Court.
October 1, 2013	<i>Pending action by SCT at November 2013 Rules Hearing</i>	<b>Sanctions/Incentives Grid</b> to provide for swift and certain responses by CSO for probation violations; requires performance measures	Steering Committee appointed; Consultant hired; CSO workgroup appointed. Draft rule; sanctioning grid and policy document submitted to Supreme Court.
January 1, 2014	January 1, 2014	<b>HOPE Pilots</b> for intensive, random drug testing w/sanctions; 1 rural court, 1 urban court	Pilot locations selected; procedures handbook being drafted; internal discussions and research on pilot setups/fees/phone system requirements.
January 1, 2014	January 1, 2014	<b>Financial Accountability/ Collections System (FACS)</b> : money-only cases where all other conditions of probation/parole met; sanctions to be developed for non-compliance; performance measures required	Concept proposal drafted. Performance measurement and data tracking points identified. Working with DOC to facilitate communication on financial data.
July 1, 2014	July 1, 2014	<b>SAVIN</b> victim notification system managed by Attorney General	UJS involvement includes representation on SAVIN Advisory Committee and I/T collaboration.

Office of the Attorney General Impact of Senate Bill 70: South Dakota Public Safety  
Improvement Act (Criminal Justice Initiative)

Effective Date (Legislative)	Anticipated Operational Date	Policy Area	Status as of <u>10/17/13</u>
July 1, 2013	May, 2013	SAVIN Statewide Automated Victim Information and Notification (SAVIN) System	Meeting with representative groups to determine their needs in implementing a SAVIN system that correlates to statutory mandates; implement SAVIN technology and hire supporting staff for correct administration.
July 1, 2013	June 1, 2013	SAVIN Statewide Automated Victim Information and Notification (SAVIN) System	Jamie Freestone appointed as SAVIN Program Administrator. Posted job opening for ATG/DCI Programmer for SAVIN project.
July 1, 2013	June 27, 2013	SAVIN Statewide Automated Victim Information and Notification (SAVIN) System	Initial meeting with SAVIN Advisory Commission (SAC) to begin discussions for implementing a SAVIN system that correlates to statutory mandates.
July 1, 2013	July 31, 2013	SAVIN Statewide Automated Victim Information and Notification (SAVIN) System	Second meeting with SAC to continue discussions for implementing a SAVIN system that correlates to statutory mandates.
July 1, 2013	August 8, 2013	SAVIN Statewide Automated Victim Information and Notification (SAVIN) System	Signed Joint Powers Agreement with Indiana DOC to receive their SAVIN application at no cost and for joint efforts in tailoring for South Dakota needs.
July 1, 2013	September, 2013	SAVIN Statewide Automated Victim Information and Notification (SAVIN) System	September Meeting with representative groups and National SAVIN representative for ongoing discussion on needs in implementing a SAVIN system that correlates to statutory mandates.
July 1, 2013	Ongoing	SAVIN Statewide Automated Victim Information and Notification (SAVIN) System	Tech meetings with IT from ATG, BIT and Indiana DOC to determine best practice and setup for new SAVIN Program. Meetings with DOC and UJS and their vendors regarding implementation of data sharing from their systems into the SAVIN program.